

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARCELLEL ROLAND, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LATOYA TOCCARA ROLAND,

Respondent-Appellant.

UNPUBLISHED

October 4, 2005

No. 261663

Wayne Circuit Court

Family Division

LC No. 01-399576-NA

Before: Saad, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights under MCL 712A.19b(3)(b)(i), (g), (i), and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

This Court reviews decisions terminating parental rights for clear error. MCR 3.977(J). Clear error occurs when, although there is evidence to support a decision, the whole body of evidence leaves the reviewing court with the definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The decision must be more than just maybe or probably wrong. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000).

Respondent's parental rights to her two oldest children were previously terminated after she failed to complete a treatment plan. Later, her parental rights to her third child were terminated after she again failed to complete a treatment plan. Respondent testified that her parental rights to her older three children were terminated because of her substance abuse and housing issues. This minor child was born testing positive for marijuana, respondent admitted using marijuana during her pregnancy, and respondent still had unstable housing and could not support herself financially. The minor child was placed in foster care upon leaving the hospital and petitioner sought immediate termination of respondent's parental rights.

Under these circumstances, this Court finds that the trial court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing

evidence or in finding that the minor child's best interests did not preclude termination of respondent's parental rights.

We affirm.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Jane E. Markey